1	2	3	4	5
11.	Kerala	113652	21752	135404
12.	Madras	275730	23029	298759
13.	M.P.	141785	59133	200918
14.	Orissa	91996	14553	106549
15.	Patna	63290	21658	84948
16.	Punjab & Haryana	218457	46845	265302
17.	Rajasthan	146447	57901	204348
18.	Sikkim	50	5	55
19.	Uttaranchal	29850	6048	35898
20.	Chhattisgarh	42158	21574	63732
21.	Jharkhand	20865	14947	35812
	TOTAL :	2758307	620726	3379033

National Legal Services Authority Scheme

†1517. PROF. R.B.S. VARMA:
SHRI PYARELAL KHANDELWAL:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that Government propose to bring improvement in the National Legal Services Authority Scheme;

(b) if so, the details thereof; and

(c) the objectives of the Legal Services Authority Scheme?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) and (b) The recent Conference of Law Ministers and Law Secretaries-2005 held in Shimla during 10-11 June, 2005, has made a number of recommendations for improving the Legal Aid System in the country. An extract of the relevant

† Original notice of the question was received in Hindi.

recommendations made by the Law Ministers in their Shimla Resolution is given in Statement (*See* below).

(c) Article 39A of the Constitution provides for free legal aid to the poor and the weaker sections of the society. In order to achieve this objective the National Legal Services Authority (NALSA) constituted under the Legal Services Authority Act, 1987 aims at establishing a nation wide network for providing free and competent legal services to the weaker sections of the society so that opportunities of securing justice may not be denied to any citizen by reason of economic or other disabilities. Organizing Lok Adalats for speedy disposal of cases is also one of the objectives of NALSA.

Statement

An extract of Conference of Law Ministers and Law Secretaries-2005

Shimla Resolution

I. **Review of the working of Legal Aid System so as to strengthen and improve the provisions of the Legal Services Authorities Act, 1987:**

5 * * *

Composition of various Legal Services Authorities and Committees:

(i) The Law Ministers were of the general view that the composition of various Legal Services Authorities and Committees should be broad-based by including therein the representatives of the Bar, retired Judges who have distinguished themselves in the field of legal aid work and the representatives of nodal departments of the Central/State Governments/UT Administrations which are concerned with issues relating to social welfare, gender justice, etc.

(ii) The Law Ministers were of the view that whenever any new project/mission for legal aid is launched by a Legal Services Authority, it should be brought to the notice of the appropriate Government in advance, so as to ensure that it does not suffer for want of funds at a later stage.

(iii) The Law Ministers were of the further view that keeping in view our limited judicial manpower, Secretaries of the Legal Services Authorities should not only be appointed from amongst serving cadre of the Judicial Services but also from sensitised persons.

(iv) The Law Ministers were of the further view that expenditures on tours and conferences and on functions incurred by the Legal Services Authorities should not be more than the real legal aid to the poor.

Effective Implementation of the provisions of Chapter VIA of the Act and expansion of the role of Lok Adalats in respect of Public Utility Services:

(v) The Law Ministers were of the view that the constitution of separate Lok Adalats for Government Departments and Public Sector Undertakings would provide forums for settlement of disputes at a minimal cost and with utmost expediency. They also recalled the Resolution adopted at the First Annual Meet of the State Legal Services Authorities held in New Delhi on 12th September, 1998 which recommended that the Central Government, State Governments and Public Sector Undertakings should examine the feasibility of establishing separate Lok Adalats for different departments. The Law Ministers further recalled that the Union Law Secretary as already requested the Chief Secretaries of various States to constitute separate Lok Adalats for Government Departments and Public Sector Undertakings. The Law Ministers called upon the State Governments/U.T. Administrations to set up separate Lok Adalats as established by the Central Government.

Lok Adalats under Chapter VI-A

(vi) The Law Ministers took note of the fact that only the States of Haryana, Jharkhand, Rajasthan and the U.T. of Chandigarh have constituted permanent Lok Adalats for public utility services under the provisions of the new Chapter VI-A of the Legal Services Authorities Act, 1987. The Law Ministers also

took note of the judgment of the Hon'ble Supreme Court in Writ Petition (Civil) No. 543/2002 in the matter of S.N. Pandey *Vs.* Union of India & Anr. where, while upholding the constitutional validity of the provisions of Chapter VIA, it was held that this mechanism is undisputedly a fast means of dispensation of justice. They took note of the expression of hope by the Apex Court that these Permanent Lok Adalats would be set up at the earliest. The Law Ministers, accordingly, recommended that all State Governments and UT Administrations may consider constituting Permanent Lok Adalats under Chapter VIA as early as possible. The Law Ministers further recommended that Governments may consider inclusion of more public utility services by issuing necessary notifications under Section 22A, in addition to the public utility services already mentioned therein.

Criteria for provision of legal aid:

(vii) The Law Ministers were of the considered view that the categories of persons entitled to get legal aid under the 1987 Act be expanded by including therein the following categories of persons:—

(a) Senior citizens;

(b) Dependent family members of Armed Forces personnel and of personnel of the Para Military Forces, who died in action; and

(c) Victims of terrorist/extremist violence and riots.

(viii) The Law Ministers noted with satisfaction that some States like Andhra Pradesh, Arunachal Pradesh, Chhattisgarh, Goa, Gujarat, Himachal Pradesh, Karnataka, Maharashtra, Orissa and West Bengal and U.Ts. of Chandigarh and Delhi have raised the income limit for availing legal aid in respect of cases before the High Court and Courts subordinate thereto to Rs. 50,000/-. The Law Ministers called upon the remaining States and U.Ts. also to likewise raise the income limit.

(ix) The Law Ministers took note of the fact that not maintaining a

panel of Legal Aid Counsels leads to avoidable delay in arranging immediate legal aid. The Law Ministers, accordingly, emphasized the need for maintaining an approved panel of Legal Aid Counsels by each Legal Services Authority/ Committee, particularly at District and Taluk levels wherever it is not there.

(x) The Law Ministers also took note of the fact that advocates are generally reluctant to take up legal aid work and that the low fee-structure for legal aid advocates in several States, makes legal aid work less attractive to them. The Law Ministers emphasized the need for prescribing a reasonable fee structure so as to attract the best talent in the field towards legal aid work.

(xi) The Law Ministers considered that adequate representation of the advocates belonging to the weaker sections of the society, such as Scheduled Castes, Scheduled Tribes, Backward Classes and Women in the panel of Legal Aid Counsels is necessary in order to ensure that the cases of beneficiaries belonging to these categories are handled with a better understanding of the problems faced by these weaker sections of the society. The Law Ministers accordingly recommended that as far as practicable, at least 50% of the persons empanelled as legal aid counsel should belong to these weaker sections of the society.

(xii) The Law Ministers further considered that the Legal Services Authorities/Committees at the District and Taluk levels should be allocated specifically earmarked funds. The provision of specific financial allocations coupled with the grant of financial independence to these authorities/committees may help in providing legal aid to the needy in an expeditious manner.

Model Code of Conduct

1518. SHRI PRAMOD MAHAJAN: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are planning to codify the Model Code of Conduct for Elections;